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W.P.No.15673/2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 18-05-2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.15673 of 2023

Thajunnisha S

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Petitioner

-VS-

1.The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

2.The Joint Director of Elementary Education,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

3.The Chief Educational Officer,
Myladuthurai District.

4.The District Educational Officer,
Sirkali Education District,
Sirkali.

5.Block Educational Officer-II,
Sirkali Union,
Sirkali.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of declaration, declaring that the action of the respondents 3-5 treating the petitioner as surplus and including her name in the list of Deployment candidates for the year 2023-2024, dated 11.05.2023 as illegal and contrary to the



provisions of the RTE Act,2009, and consequently direct the respondents 3-5 to retain her in Panchayat Union Middle School, Senthangudi, Sirkali Union, Myladuthurai District.

For Petitioner : Ms.L.Parvinbanu

For Respondents : Mr.N.Naveen Kumar,
Govt.Advocate.

ORDER

This Writ Petition has been filed in the nature of declaration, declaring that the action of the respondents 3-5 treating the petitioner as surplus and including her name in the list of Deployment candidates for the year 2023-2024, dated 11.05.2023, as illegal and contrary to the provisions of the RTE Act,2009.

2. The petitioner seeks a consequential relief to be retained in Panchayat Union Middle School, Senthangudi, Sirkali Union, Myladuthurai District.

3. In the affidavit filed in support of the Writ Petition, the petitioner claims that she was appointed as Secondary Grade Teacher in the year 2008 and was transferred to Panchayat Union Middle School at Kaveripoompattinam. She also places reliance on G.O.Ms.No.176, dated 17.12.2021, wherein guidelines have been given for general transfer and consequent to that she joined Senthangudi School on 01.03.2022. She places allegations against another Secondary Grade Teacher, namely, Rajeswari, who got transfer to Senthangudi on administrative grounds during the counselling,



which was challenged by one Kalaiselvi and the Writ Petition was disposed of, directing the respondents to transfer the said Rajeswari from Senthangudi and to keep one post vacant during the next counselling. The petitioner also relies on another G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997.

4. If the petitioner seeks to continue in the same post where she is now working, it is not possible. She, having accepted employment in Government School, has to abide by Rules and Regulations and one of them is transfer on administrative grounds. As a teacher, the petitioner should be prepared to work wherever she is transferred.

5. Learned counsel for the petitioner submits that there is a violation of the Right to Education Act, 2009, wherein the ratio of 1 : 40 has to be maintained as between the teacher and the students. If that is so, the respondents have to take care of that aspect, but the petitioner has to accept the transfer.

6. The petitioner, of course, has another choice. If she refuses to join at the transferred place, then, she can resign the said post and do any other private employment. This Court cannot interfere with the order of transfer. She may attend the counselling session, which is scheduled to be held on 25.05.2023, and put her objection, which may be considered by the authorities in proper light. But, no order, restraining transfer, is passed in this Writ Petition.



7. Writ Petition is, accordingly, dismissed. No costs. Consequently, the connected W.M.P.No.15165 of 2023 is closed.

18-05-2023

Index : Yes/No

Internet : Yes/No

Speaking / Non-speaking Order

dixit

To

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C.V.KARTHIKEYAN,J.

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